



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 239

Hearing Date: March 15, 2005

Committee On: Education

Introducer(s): (Schimek, Aguilar, Combs, Kruse, Preister, Synowiecki)

Title: Permit certain students who attended Nebraska high schools to establish residency

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

5	Yes	Senators Bourne, Byars, Howard, Kopplin, and Schrock
2	No	Senators Raikes and Stuhr
1	Present, not voting	Senator McDonald
0	Absent	

Proponents:

Senator DiAnna Schimek
Senator Ray Aguilar
Ron Withem
Milo Mumgaard

Julie Ferris

Brian Bennett
Cecilia Olivarez Huerta
Cris Salinas
Catalina Avña
Jim Cunningham
Darcy Tromanhauser

Representing:

Introducer
Legislative District #35
University of Nebraska
Nebraska Appleseed Center for Law in the Public
Interest
National Association of Social Workers –
Nebraska Chapter
Self
Mexican American Commission
Self
Self
Nebraska Catholic Conference
Nebraska Appleseed / Immigrant Rights Network
of Iowa and Nebraska

Opponents:

Susan Tully
John H. Copenhauer
Frank M. Nowak
Jim Fougeron
Dick Ternes

Representing:

Federation for American Immigration Reform
Self
Self
Self
Self

Neutral:
Jerome Deichert

Representing:
Self

Summary of purpose and/or changes:

Legislative Bill 239 would amend the provisions of § 85-502, which set the minimum requirements for residency for postsecondary educational institutions in Nebraska. Each institution is allowed to establish their own residency requirements beyond these minimum requirements.

The conditions for an alien who has established a home in Nebraska would be modified. The current requirement is that the alien have a bona fide intention to become a permanent resident alien of the United States. The new language would require the alien to have applied to or have a petition pending with the Immigration and Naturalization Service to attain lawful status under federal immigration law. This change would have the effect of clarifying what is required to show a bona fide intention, but also of allowing a broader range of intents.

The provisions declaring students who graduated from a high school of this state as residents would be narrowed to include only those students who:

1. Resided with a parent, guardian, or conservator while attending school in Nebraska;
2. Graduated from a public or private high school or received the equivalent of a high school diploma (G.E.D.) in Nebraska;
3. Resided in Nebraska for at least 3 years prior to graduation or receiving a G.E.D.;
4. Registers as an entering student in a postsecondary education institution not earlier than the 2005 fall semester; and
5. Provides an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.

New language would state that if the parents, parent, or guardian with whom the student resided ceases to reside in the state, such student would not lose his or her resident status if the student has the bona fide intention to make this state his or her permanent residence, supported by documentary proof. This addition would be consistent with a current provision which attributes residency to the student based upon a parent's residency.

Students who received a G.E.D. in Nebraska are not currently included.

Language and grammar would also be updated throughout the section to align with current bill drafting standards. Language would be modified to clarify that this section applies only to postsecondary educational institutions.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson